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PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hiroshi MIYAGI

Art Unit:

S. N. 09/530,369

Examiner:

International S.N.: PCT/JP99/04698

Filed: April 28, 2000

International Filing Date: August 31, 1999

For: MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

### SECOND REQUEST FOR REFUND

Assistant Commissioner for Patents Box PCT Washington, D.C. 20231

Sir:

A request for a refund was submitted September 5, 2000, from the above application. To date, no response has been received to that submission, neither have indications been received regarding applicant's request for refund. Therefore, applicant again requests refund of the \$130 surcharge.

Copies of the papers filed in September, 2000, requesting refund are enclosed.

Respectfully submitted,

Adjustment date: 09/06/2002 PVOLPE 09/08/2000 ERIGANED 00000146 09530369 01 FC:154 -130.00 DP

-130.00 02

DELLETT AND WALTERS
Suite 1101
310 S. W. Fourth Avenue
Portland, Oregon 97204

(503) 224-0115

DOCKET: A-356

Page 1 — SECOND REQUEST FOR REFUND

James H. Walters, Reg. No. 35,73

Refund Ref: 09/06/2002 PVOLPE 0000120538

CHECK Refund Total: \$130.00

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[A356PTO/JULY 2002] S.N. 09/530,369 PCT/JP99/04698

REQUEST FOR PATENT FE	E REFUND		/ <u>.</u>	
	al/Patent	# 09/5	30, 369	
· sace of hedgeser word from	4 PAPER	5 DATE		
3 Please refund the following fee(s):	NUMBER	FILED	6 AMOUNT	
Filing			\$	
Amendment			\$	
Extension of Time			\$	
Notice of Appeal/Appeal			\$	
Petition			\$	
Issue			\$	
Cert of Correction/Terminal Disc.			\$	
Maintenance			\$	
Assignment			\$	
Other			\$	
	7 TOTAL OF REI	AMOUNT FUND	\$ 130.00	
	8 TO BE	REFUNDED I	BY:	
10 REASON:	7	reasury C	heck	
Overpayment		Credit Dep	osit A/C #:	
Duplicate Payment	9			
No Fee Due (Explanation):				
11 REFUND REQUESTED BY: Applicant				
TYPED/PRINTED NAME:		TITLE:	<u>,</u>	
SIGNATURE: Patricia Volpe PCT International Division	<del></del>	PHONE:		
OFFICE: (703)305-7890	(700) 205 7000			
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APPROVED: Jan Gulles	DATE:	9-11-	02	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

PORM PTO 1577 (01/90) . Office of Finance Refund Branch Crystal Park One, Room 802B

### Certificate of Mailing

I hereby certify that this Second Request for Refund is being deposited as first class mail with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this 979 day of

409x, 2002.

James H. Walters, Reg. No. 35,731

PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hiroshi MIYAGI

Art Unit:

s. N. 09/530,369

Examiner:

International S.N.: PCT/JP99/04698

Filed: April 28, 2000

International Filing Date: August 31, 1999

COPY

For: MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

### RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

and

### REQUEST FOR REFUND

Assistant Commissioner for Patents Box PCT Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 37 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed March 1, 1999 (copy enclosed), two copies of the declaration signed by the inventor, identifying this application by International serial number and filing date, are enclosed herewith, together with a check in the

Certification Under 37 CFR 1.10

I hereby certify that this Response and the documents and fees referred to as enclosed therein are being deposited with the United States Postal Service on this 5<sup>th</sup> day of September, 2000, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL696074468US addressed to the Assistant Commissioner for Patents, Washington, D.C. 2023A.,

James H. Walters

amount of \$130.00 for the surcharge under 37 CFR 1.492(e). The enclosed copies of the declaration are identical except that one copy includes a certification thereon that it is a complete and exact copy of the original (i.e., true copy) and the other is a clean copy of the original.

Applicant's attorney wishes to point out that the original declaration was included with the application at the time of filing the application on April 28, 2000, at 6:26 p.m. Applicant's attorney has reviewed the file to determine if the original declaration could have been retained, but the original declaration is not in the file and, since the applicant's attorney reviewed the contents of the Express Mail packet before sealing the Express Mail packet, he believes the original declaration was transmitted to the Patent Office at the time of filing the application. In support of this statement, true copies of page 1 of the transmittal letter, of the certificate of mailing, and of the declaration of mailing, which was filled out promptly after depositing the application papers with the U.S. Post Office are enclosed herewith. Therefore, a request is hereby made for a refund of the \$130.00 for the surcharge under 37 CFR 1.492(e). Please forward the refund to the undersigned.

Respectfully submitted,

James H. Walters, Reg. No. 35,731

DELLETT AND WALTERS
Suite 1101
310 S. W. Fourth Avenue
Portland, Oregon 97204

(503) 224-0115 DOCKET: A-356

Page 2 — RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS ... AND REQUEST FOR REFUND

[A356PTO/SEPT 2000]



# UNITED STATES DEPARTMENT OF COM-Patent and Trademark Office Address: ASSISTANT COMMISSIONER FOR PATENTS Box PCT Washington, D.C. 20231

U.S. APPLICATION NO.	Γ	HRST NAMED	AFTLICANT	ATTY, DUCKET NO
09/530369		MIYAGI	н	A-356
JAMES H WALTERS				TRINAL APPLICATION NO.
DELLETT AND WALTERS			BC	T/ ID00/04/C00
310 S W FOURTH AVENUE			i	T/JP99/04698
SUITE 1101 PORTLAND, OR 97024			LA. FILING DA	1
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NOTIFICATION OF 1	MISSING	REQUIREMENTS UNDER	35 II S C 371 IN	THE INTER
STAT	ES DESIG	INATED/ELECTED OFFIC	ም ጠብመስለው	
The following items have been so     Designated Office	ibmitted by	the applicant or the IB to the	United States Pate	nt and Trademark Office as
an Elected Office (3	CED LA	1.494), INSN:		
U.S. Basic National Fee.	OIK 1.4	733).		
Copy of the international app	lication in	:		
🔀 a non-English langu	age.			
□ English.				
Translation of the internation	al applicat	ion into English.		
Oath or Declaration of invention of Oopy of Article 19 amendme	ors(s) for			
Translation of Article 19 ame	na. Indments is	1 no English		
The International Preliminary	Examina	ion Report in English and its	Annexes if any	
Translation of Annexes to the	Internatio	nal Preliminary Examination	Report into English	
Preliminary amendment(s) fi	łed	and		( ) ( )
Information Disclosure State  Assignment document.	ment(s) file	ed 28 APR 2000 and		<b>_</b> ·
Power of Attorney and/or Ch	ange of A	Ideas		
Substitute specification filed	ange of At	idiess.		
Verified Statement Claiming	Small Enti	ty Status.		
Priority Document.				
Copy of the International Sea	rch Report	X and copies of the reference	es cited therein.	
Other:				
<ol> <li>The following items MUST be fu acceptance under 35 U.S.C. 371:</li> </ol>	musned wi	unn the period set forth below	in order to comple	te the requirements for
a. Translation of the applicati	on into En	glish. Note a processing fee w	vill be required if s	ubmitted later than the
appropriate 20 or 30 months i	rom the pr	iority date.		
☐ The current transla Translation.	ition is de	fective for the reasons indi-	cated on the attac	thed Notice of Defective
☐ b. Processing fee for providin	g the trans	lation of the application and/o	r the Annexes later	than the appropriate 20 or
30 months from the priority d	ate (37 CF	R 1.492(f)).		
🗷 c. Oath or declaration of the i	nventors, i	n compliance with 37 CFR 1.4	497(a) and (b), ide	ntifying the application by
the International application n	umber and	international filing date. does not comply with 37 CFR	1.407( ) 1.41 )	
on the attached PCT/	DO/EO/91	Toes not comply with 37 CFR	1.49/(a) and (b) [	or the reasons indicated
d. Surcharge for providing the			oriate 20 or 30 mor	nths from the priority date
(37 CFR 1.492(e)).				
Additional claim fees of \$ claim fee, are required. Applicant mi	as as	a large entity small enti	ty, including any r	equired multiple dependent
due. See attached PTO-875.	ist submit	ute additional claim tees of car	ncei the additional	claims for which fees are
ALL OF THE PERMS OF FORTH				
ALL OF THE ITEMS SET FORTH FROM THE DATE OF THIS NOT	I IIN 2(2)-2	(g) AND 3 VROAE WOST B	E SUBMITTED	WITHIN ONE MONTH
THE APPLICATION, WHICHEVE	ER IS LAT	ER. FAILURE TO PROPE	RLY RESPOND	WILL RESULT IN
ABANDONMENT.				··· ED IEDODI E
The time period set above may be extended	ended by fi	iling a petition and fee for exte	ension of time unde	er the provisions of 37
CFR 1.136(a).	cinaca try in	and a pennon and ree for exte	abion or unic unde	a die provisions of 37
4. Translation of the Annexes MUST Note processing fee will be required it	be submitted	ted no later that the time perio	d set above or the	annexes will be cancelled.
5. The Article 19 amendments are	cancelled	since a translation was not no	: priority date. vided by the approx	oriate 20 (37 CED
494(d)) or 30 (37 CFR 1.495(d)) mont	ths from th	e priority date.	vided by the appro-	prizic 20 (57 CT K.
Applicant is reminded that any commu address given in the heading and inclu	mication to	the United States Patent and	Frademark Office	must be mailed to the
				<i></i>
A copy of this notice Enclosed:	MUSI	ve returnea with	inis respons	se.
PCT/DO/EO/917	Notice	of Defective Translation		X 1/
□ PTO-875		Figuration	Karen Mc	Lean, Paralegal
FORM PCT/DO/EO/905 (December )	1997)		Telephone: 70	3-308-9117

Attorney Docket No.: A-356
In re Application of
Hiroshi MIYAGI
S. N. International S.N.: PCT/JP99/04698
Filed:
International Filing Date: 31 August 1999
For: MEASUREMENT SYSTEM OF COMMUNICATION DEVICE
DECLARATION OF MAILING
I, James H. Walters, hereby declare that on
APil 8, 200 at 626 a.m. for I deposited a
package bearing an Express Mail mailing label, No. EL485835225US,
addressed to:
[X] Box PCT, Assistant Commissioner for Patents, Washington, D.C. 20231
[ ] Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513
[ ] Other
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James H. Walters, Reg. No. 35,731  Date: AP(1/29,200)
EL 485835225US
I HEREBY CERTIFY THAT THE FOREGOING TIME: 0 .m. /Z.m.  LE & COMPLETE AND EXACT COPY OF THE  OFICENAL THEREOF  OFICENAL THEREOF
Attorneys for ADDI (A.II)

(REV 11-98)	•	OF COMMERCE PATENT AND TRADEMARI	
ļ ·		TO THE UNITED STATE	ES A-356
	DESIGNATED/ELECT	ED OFFICE (DO/EO/US)	U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR
1	CONCERNING A FILI	IG UNDER 35 U.S.C. 371	
INTERN	ATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
TITLEO	PCT/JP99/04698 ENVENTION	31 August 1999	4 September 1998
111111111111111111111111111111111111111		REMENT SYSTEM OF COM	IMUNICATION DEVICE
APPLICA	NT(S) FOR DOÆO/US Hiroshi	MIYAGI	_
Applican	t herewith submits to the United St	nes Designated/Elected Office (DO/	(EO/US) the following items and other information:
1.		tems concerning a filing under 35 U	-
2.		UENT submission of items concern	
3. 🗆	This is an express request to bea	in national examination procedures	(35 U.S.C. 371(ft)) at any time rather than delay
	examination until the expiration	of the applicable time limit set in 3.	5 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.			ade by the 19th month from the earliest claimed priority date.
5. 🖾		lication as filed (35 U.S.C. 371 (c) (	**
	_	(required only if not transmitted by	the International Bureau).
	v v	the International Bureau.	
د ا <b>ت</b>		pplication was filed in the United St	- · · · · · · · · · · · · · · · · · · ·
6. 🖄 7. 🏖		Application into English (35 U.S.C	371(c)(2)).
8. I		•	T Article 19 (35 U.S.C. 371 (c)(3))
0. <u> </u>		h (required only if no: transmitted by	* * **
		by the International Bureau.	y die International Bureau).
		wever, the time limit for making su	ch amendments has NOT evalued
	d.   have not been made an		en anichamens has NOT expired.
9. 🗀		to the claims under PCT Article 19	(35 U.S.C. 371(c)(3))
10.	An oath or declaration of the inv		(35 6.5.6. 571(6)(3)).
11.		minary Examination Report (PCT/IF	PEA/409)
12.		e international Preliminary Examin	
ltems	13 to 20 below concern documen	(s) or information included:	
13. 🛭		ment under 37 CFR 1.97 and 1.98.	
14.	An assignment document for rec	ording. A separate cover sheet in co	ompliance with 37 CFR 3.28 and 3.31 is included.
15. 🗀	A FIRST preliminary amendmen		
16.	A SECOND or SUBSEQUENT	preliminary amendment	
17.	A substitute specification.		
18.	A change of power of attorney ar		
19.	Certificate of Mailing by Express	Mail	İ
20. ፟፟፟፟	Other items or information:		
	Inventor Information Sheet (Copy of Form PCT/IB/308 Small Entity Statement Form PTO-1449 and copies of		I HEREBY CERTIFY THAT THE FOREGOING IS A COMPLETE AND EXACT COPY OF THE ORIGINAL THEREOF  Anomaya for A POLICA NO

Page 1 of 2

PCTUS1/REVIX

40 3

Applicant(s): Hiroshi MIY	AILING BY "EXPRESS	MAIL" (37 CFR 1.10)	Docket No. A-356
Serial No. PCT/JP99/04698	Filing Date 31 August 1999	· Examiner	Group Art Unit
vention:	ASUREMENT SYSTEM OF	COMMUNICATION DEVICE	
		nsmittal (& documents & fees listed s (Identify type of correspondence)	
is being deposited with t	he United States Postal Serv		dressee" service unde
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is being deposited with to 37 CFR 1.10 in an envelon April 28, 2	he United States Postal Servelope addressed to: The Assi	(Identify type of correspondence)  rice "Express Mail Post Office to Adi  istant Commissioner for Patents. W  James H. Walter	dressee" service unde ashington, D.C. 2023
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Note: Each paper must have its own certificate of mailing.

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CUSTOMER USE ONLY IMETHOD OF PAYMENT: Express Mad Corporate Acc. No. Federal Agency Acc. No. or Federal Service Acc. Inc. or	i wish delivery t	AGNATURE (Domestic Crty): Additional merchandise insurance is weld if weiter of signature is requested to be made without obtaining signature of addressee or addressee's agent (if delivery employee judge be left in secure occation) and I authorize that delivery employee a signature constitutes veid proof of weekland  Weekland  Holiday  Customer Segreture	es ,
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I HEREBY CERTIFY THAT THE FOREGOING IS A COMPLETE AND EXACT COPY OF THE

(PCT/JP99/04698) In re Application of: Hiroshi MIYAGI Serial Number: 09/530,369 Filing Date: April 28, 2000

Title: MEASUREMENT SYSTEM OF COMMUNICATION DEVICE (August 31, 1999)

Docket Number: A-356

response to the Notification of Missing Requirements Under 37 U.S.C. 371 in the copy of certificate of mailing, copy of Express Mail Label for application as filed, mailing by Express Mail Label No. EL696074468US, and this return postcard as Office of the following: Two copies of the declaration signed by the inventor in copy of declaration of mailing, transmittal and request for refund, certificate of (surcharge under 37 CFR 1.492(e)), copy of page 1 of application transmittal, United States Designated/Elected Office, copy of Notice, check for \$130.00 Receipt is hereby acknowledged in the United States Patent and Trademark of the date stamped hereon. 1894894

**UNION BANK OF CALIFORNIA** 

PORTLAND #03 PORTLAND, OR 97205 24-6-1230

**DELLETT AND WALTERS** 

PATENT AND TRADEMARK LAW 310 SW 4TH AVE., STE. 1101 PH. 503-224-0115 PORTLAND, OR 97204

DATE 5/2000 Sep

Commissioner of Patents and Trademarks

PAY TO THE ORDER

a-356 09/530,369 missing parts

"001894" :123000088: 003206V596"

the specification of which

Docket	No
A-35	6

I HEREBY CERTIFY THAT THE FOREGOING

## Declaration and Power of Attorney For Patent Application English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

		C. GINAL THERED	
(check one)		Jan 10	101100
☐ is attached here	to.	Attorneys for A	Olicant
was filed on Au	ugust 31, 1999	as United States Application No.	or PCT International
Application Num	nber PCT/JP99/04698	<u> </u>	
and was amende	ed on		
•		(if applicable)	
		d understand the contents of the above in amendment referred to above.	dentified specification,
I acknowledge the c known to me to be Section 1.56.	duty to disclose to to material to paten	the United States Patent and Trademark tability as defined in Title 37, Code of	Office all information Federal Regulations,
Section 365(b) of an PCT International a listed below and have	ny foreign application application which do we also identified be or PCT Internation	s under Title 35, United States Code, in(s) for patent or inventor's certificate, or esignated at least one country other the elow, by checking the box, any foreign application having a filing date before	Section 365(a) of any an the United States, oplication for patent or
Prior Foreign Applic	cation(s)	1	Priority Not Claimed
10-267306	JAPAN	04 September 1998	<u> </u>
(Number)	(Country)	(Day/Month/Year Filed)	
(Number)	(Country)	(Day/Month/Year Filed)	_
			1 1
(Number)	(Country)	(Day/Month/Year Filed)	

Docket	No.
A-35	6

### **Declaration and Power of Attorney For Patent Application English Language Declaration**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

#### MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

		•	
the specification	of which		
(check one)			
☐ is attached l	nereto.		
■ was filed on	August 31, 1999	as United States Application No.	or PCT International
Application I	Number PCT/JP99/04698		
and was am	ended on		
		(if applicable)	
		understand the contents of the above amendment referred to above.	identified specification,
known to me to Section 1.56.	o be material to patent	ne United States Patent and Trademark ability as defined in Title 37, Code of under Title 35, United States Code,	f Federal Regulations,
Section 365(b) of PCT Internation isted below and nventor's certifican which priority	of any foreign application all application which de have also identified be cate or PCT International is claimed.	n(s) for patent or inventor's certificate, or esignated at least one country other the low, by checking the box, any foreign a lapplication having a filing date before	r Section 365(a) of any nan the United States, application for patent or that of the application
Prior Foreign Ap	oplication(s)		Priority Not Claimed
0-267306	JAPAN	04 September 1998	
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Number)	(Country)	(Day/Month/Year Filed)	
Number)	(Country)	(Day/Month/Year Filed)	<u> </u>
SB-01 (9-95) (Modifie	d)	P02/REV02 Patent and Trademark (	Office-U.S. DEPARTMENT OF

(Application Serial No.)	(Filing Date)	
(Application Serial No.)	(Filing Date)	
(Application Serial No.)	(Filing Date)	
Section 365(c) of any PCT Internations in sofar as the subject matter of ear Juited States or PCT International J.S.C. Section 112, I acknowledge	ional application designating ich of the claims of this ap application in the manner the duty to disclose to the	the United States, listed below are plication is not disclosed in the proprovided by the first paragraph of United States Patent and Tradema
Section 365(c) of any PCT Internations as the subject matter of ear Juited States or PCT International J.S.C. Section 112, I acknowledge Office all information known to me Section 1.56 which became available	ional application designating ich of the claims of this ap application in the manner the duty to disclose to the to be material to patental the between the filing date of	the United States, listed below are plication is not disclosed in the pri provided by the first paragraph of the
nsofar as the subject matter of ear United States or PCT International J.S.C. Section 112, I acknowledge Office all information known to me Section 1.56 which became available or PCT International filing date of this	ional application designating ich of the claims of this ap application in the manner is the duty to disclose to the to be material to patentable between the filing date of application:	the United States, listed below an plication is not disclosed in the proportion of the provided by the first paragraph of United States Patent and Tradema sility as defined in Title 37, C. F. If the prior application and the nation (Status)

fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

James H. Walters, Reg. No. 35,731

I authorize the attorney that I have appointed to accept instructions regarding this application and the resulting patent from Amagai Patent Firm.

Send Correspondence to: Customer No. 802

DELLETT AND WALTERS

310 S.W. Fourth Avenue, Suite 1101

Portland, Oregon 97204

Direct Telephone Calls to: (name and telephone number)

James H. Walters

(503) 224-0115

Full name of sole or first inventor  Hiroshi Miyagi	
Sole or first inventor's signature.	25 Apr. 2000
Residence JAPAN	
Citizenship JAPAN	
Post Office Address c/o T. I. F. Co., Ltd.	

Full name of second inventor, if any	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	